



Western Wood Products Association

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October 21, 2019

Ms. Monet Vela
Office of Environmental Health and Hazard Assessment
1001 I Street, 23rd Floor
P.O. Box 4010
Sacramento, CA 95812-4010

Subject: Comments on OEHHA's Proposed Modification Text of Proposition 65 of October 4, 2019 --
Modification to Text of Proposed Regulation Title 27, California Code of Regulations Proposed
Amendment to Section 25600.2 Responsibility to Provide Consumer Product Exposure Warnings

Dear Ms. Vela,

The Western Wood Products Association (WWPA or Association) submits our comments to the Office of Environmental and Health and Hazard Assessment (OEHHA or Agency) on the proposed changes to the California Safe Drinking Water and Toxic Enforcement Act of 1986 (Prop 65). Our comments below are focused solely on the confirmation of receipt of notification in 25600.2(c). Underlining is used to emphasize.

Comment on the proposed 25600.2(c)(1) --

Since an Authorized Agent can be a monitored electronic mailbox or post office box, requiring a confirmation of receipt from the Authorized Agent is confusing and may be impractical. It is better to require confirmation of delivery of the notice and any renewed notices to the Authorized Agent to which the manufacturer, producer, importer, supplier, or distributor of the product sent the notice is received electronically or in writing.

Comment on the propose 25600.2(c)(2) --

"Authorized Agent" and "legal agent for service of process for the business" referred in the proposed 25600.2(c)(2) are not well understood or not routinely designated explicitly by all businesses. There is no registry in existence of Authorized Agents and this role is not static and may change multiple times within a year. This can make it challenging to get the Prop 65 notification to the person responsible for compliance when an individual's name must be used. We suggest allowing notifications to be generically addressed to the Regulatory Compliance Manager of a business. We believe Regulatory Compliance Manager is more meaningful to businesses so the Prop 65 notification sent will more likely reach the right individual for getting the proper attention for better compliance.

We hope our comments and our suggestions are accepted to make compliance to Prop 65 attainable in a practical way.

WWPA is a nonprofit trade association representing manufacturers of lumber products in the 12 Western States including California.

Respectfully Submitted,

Kevin Cheung, Ph.D.
Chief Engineer